

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

JASON RAIKES,

Petitioner,

v.

**CIVIL ACTION NO. 3:12-CV-58
(JUDGE GROH)**

P.A. HUFF,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge David J. Joel [Doc. 7]. By Standing Order, entered on March 24, 2000, this action was referred to Magistrate Judge Joel for submission of a proposed report and recommendation (“R&R”). Upon his initial review, Magistrate Judge Joel filed his R&R on November 5, 2012. In that filing, the magistrate judge recommends that this Court dismiss the *pro se* Petitioner’s “pleading” [Doc. 1], which the magistrate judge construes as a petition pursuant to 28 U.S.C. §2241, without prejudice.

Pursuant to 28 U.S.C. §636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

review and the petitioner's right to appeal this Court's Order. 28 U.S.C. §636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Joel's R&R were due by November 30, 2012. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the record, it is the opinion of this Court that the magistrate judge's Report and Recommendation [**Doc. 7**] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Petitioner's §2241 Petition [**Doc. 1**] is hereby **DISMISSED WITHOUT PREJUDICE**. This Court **DIRECTS** the Clerk to strike this case from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* petitioner.

DATED: December 4, 2012.


GINA M. GROH
UNITED STATES DISTRICT JUDGE